

The Gazette



of India

EXTRAORDINARY

PART II—Section 3—Sub-section (1)

PUBLISHED BY AUTHORITY

No. 102]

NEW DELHI, MONDAY, JUNE 24, 1963/ASADHA 3, 1885

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 24th June 1963

G.S.R. 1072.—In exercise of the powers conferred by section 3 of the Defence of India Act, 1962 (51 of 1962), the Central Government hereby makes the following rules further to amend the Defence of India Rules, 1962, namely:—

1. These rules may be called the Defence of India (Eighth Amendment) Rules, 1963.

2. In rule 47 of the Defence of India Rules, 1962, after sub-rule (5), the following sub-rules shall be inserted, namely:—

"(5A) If, in the opinion of the Central Government, it is necessary or expedient for the defence of India and civil defence of the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community so to do, the Central Government may, notwithstanding anything contained in the Indian Patents and Designs Act, 1911 (2 of 1911), by order, authorise, subject to such restrictions and conditions as it deems fit,

(i) any corporation owned or controlled by the Government; or

(ii) any other person specified by the Central Government in that Order, to make use of, or exercise, any invention, in respect of which an application for the grant of a patent has been received or a patent has been granted, for the purposes of the corporation or such other person from such date as may be specified therein.

(5B) Where any invention has been made use of, or exercised, in pursuance of an order made under sub-rule (5A), the corporation or such other person, as the case may be, shall pay such compensation to the applicant or patentee, as the case may be, as may be agreed on between the corporation or such other person and the applicant or patentee. In the event of any dispute as to the amount of compensation, either of the parties may refer the matter to the Central Government whose decision thereon shall be final:

Provided that before giving its decision, the Central Government shall afford a reasonable opportunity to the parties concerned to make any representation in the matter."

[No. F. 3/7/63-Poll(Spl).]

HARI SHARMA, Addl. Secy.

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